

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EVGENY RYZHOV,

Plaintiff,

-against-

\$5,379,876.94 IN UNITED STATES  
CURRENCY FORMERLY ON DEPOSIT  
IN SUNFLOWER BANK, NA, ET AL.,

Defendants.

23-CV-1072 (JMF)

ORDER DIRECTING PAYMENT OF FEE OR  
**AMENDED** IFP APPLICATION

JESSE M. FURMAN, United States District Judge:

Plaintiff brings this action *pro se*. Within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees required to file a civil action in this court or submit a fully completed amended request to proceed *in forma pauperis* (“IFP application”).

**DISCUSSION**

To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees — a \$350.00 filing fee plus a \$52.00 administrative fee — or request authorization to proceed without prepayment of fees by submitting a fully completed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff tendered a check for \$402.00 when he submitted the complaint. The check was returned to him, however, because it was a personal check — not a certified check or money order. By order dated February 13, 2023, Chief Judge Swain directed Plaintiff to either resubmit his \$402.00 payment in an acceptable form, or, if he is unable to afford the cost of suit, to submit an IFP application. *See* ECF No. 3.

Plaintiff submitted an IFP application on February 16, 2023, but it is incomplete. Plaintiff indicates that his monthly expenses total \$4140.00, that he has \$2343.00 in savings, that he has no


income, and that he received a “monetary gift” in June 2022, in an unspecified amount. Because this information is incomplete, the Court cannot determine whether Plaintiff is unable to afford the cost of suit.<sup>1</sup>

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit an amended IFP application that is fully completed. If Plaintiff submits the amended IFP application, it should be labeled with docket number 23-CV-1072 (JMF). If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice to Plaintiff’s refiling it. No summons shall issue at this time.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: March 16, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge

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<sup>1</sup> This information also appears to be inconsistent with information in other IFP applications that Plaintiff has submitted. *See Ryzhov v. DHS*, No. 1:21-CV-23596, 45 (S.D. Fl.) (application to proceed IFP on appeal). In that IFP application, signed on October 13, 2022, Plaintiff indicated that he has received \$0.00 in gifts in the past 12 months.